

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

WHITNEY DESIGN, INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:08CV1140 CDP
	)	
B & R PLASTICS, INC.,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

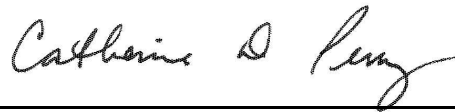
This matter is before me on defendant's unopposed motion to continue the hearing on plaintiff's motion for summary judgment, currently set for August 27, 2009. Defendant asks me to vacate the hearing, in part because the mediation held on August 19, 2009 "provided grounds for a settlement of this matter." The motion goes on to state that the parties are working to "finalize language for the Settlement Agreement" and requests thirty days to "effectuate a final settlement of this matter." I will vacate the hearing, but I am uncertain whether the parties have actually settled this case or not. Although this Court routinely grants parties thirty days or more to finalize their paperwork upon settlement, such an order is usually sent out after the parties have notified me that they have actually settled the case. I do not want this case to sit idle for thirty days with a pending motion for summary judgment, only to be informed at the end of September that the parties

did not actually settle this matter.

Accordingly,

**IT IS HEREBY ORDERED** that defendant's motion to continue [#59] is granted, and the hearing currently set for August 27, 2009 at 2:00 p.m. is vacated.

**IT IS FURTHER ORDERED** that the parties shall file a joint status report by September 4, 2009 advising the Court whether the parties have settled this matter.

A handwritten signature in cursive script, reading "Catherine D. Perry", is positioned above a horizontal line.

CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 21st day of August, 2009.